App. F. I

Previous References

1938.
( )
Legis.

File No. 37-38
Serial Nos. 2, 3, 4

Later References.

Legis 14-43-1
Ch 8-46.(2)

PRESERVED

(8)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Three only

Part B for May 39

SUBJECT.

Resolutions in R. D. Budget Session 1939
re: Shariat Law and dissolution of Muslim marriage Act 1939.

Resolution re: dissolution of Muslim marriage Act.

Resolutions in L.A. Budget Session 19:

General and Revenue Secretariat | File No. of 193 | [App. F. III–2

Serial No.

Resolution no: 12. 13. 15

re legislation in regard to Mahomedan law.

The three resolutions treat of the same matter.

Resolution 12: treats of the necessity for legislation in regard to Wakfs on the lines of the British Indian Act.

Resolution 13 is more general and wants legislation similar to all the Acts in force in British India touching the Muslims.

Resolution 15 wants legislation on the lines of the British Indian Dissolution of Muslim Marriages Act of 1939.

When a similar resolution of the Aligarh State Muslim League was sent to the High Court for opinion all the Judges were of opinion that no such legislation should be undertaken unless supported by a very predominant majority of those concerned. Subject to this qualification Mr. Justice C Abdul Rahman was of opinion that legislation regarding improvement of the lot of women in respect of divorce might be considered, but was ~~decidedly~~ not in favour of Wakf-alal-aulad or tying up properties for the benefit of the descendents of the Wakif. He however considered that legislation on the lines of the British Indian 1923 Act might be undertaken here

General and Revenue
Secretariat

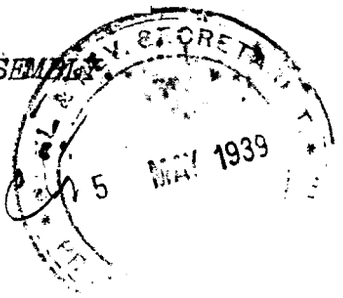
Serial

These resolutions may perhaps be watched and the
sense of the House considered, and also
Policies and [illegible] should be in charge of the Secretary
[illegible] Member may perhaps be in charge.

THE MYSORE REPRESENTATIVE ASSEMBLY.

Budget Session - 1939.

Leg - 37-38-2



12

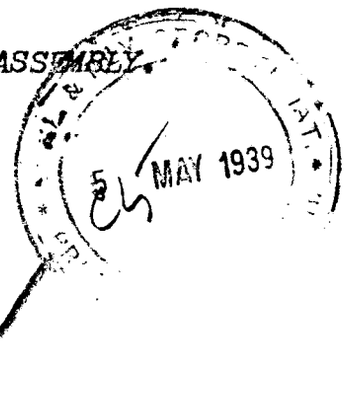
Resolution No:

Whereas the personal law of the Muslims as administered in the Mysore Courts of Law is not in accordance with the true shariath Law in some respects, more especially in regard to the creation, management and administration of "WAKFS" and leaves much to doubt and uncertainty, this Assembly recommends to the Government of His Highness the Maharaja that suitable legislation be introduced on the lines of the Muslim Wakf Act of British India for the management of Public Wakfs and the Muslim Wakf Alal Awalad Act in the matter of creating Wakfs in favour of one's own ~~xxxxxx~~ children and posterity, thus bringing the personal law of the Muslims up-to-date.

Mover: Mr. A.J. Khaleel.(Minorities).-

THE MYSORE REPRESENTATIVE ASSEMBLY.

Budget Session - 1939.



12

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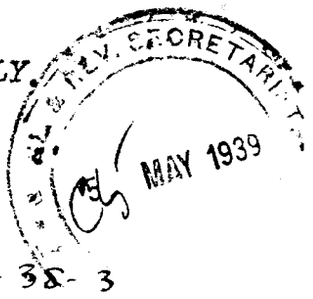
THE MYSORE REPRESENTATIVE ASSEMBLY.

Budget Session --1939



Legis 37-38-3

Resolution No: 13

Whereas the personal law of Muslims as administered in Mysore Courts is not in consonance with the pure and simple Shariat Law and whereas in British India attempts have been made to cure this defect and allow Muslims to be governed by the Shariat Law to the largest possible extent, after consulting Muslim public opinion of the day and eminent jurists of Islam, this Assembly recommends to the Government of His Highness the Maharaja that enactments similar to all the Acts in force in British India touching the Muslims and passed by the Imperial Legislature may kindly be introduced in the Mysore State.

Mover: Mr. Mirza M. Azeezulla Beig (Minorities.)

THE MYSORE REPRESENTATIVE ASSEMBLY.

Budget Session --1939.

Resolution No: 13

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Mover: Mr. Mirza M. Azeezulla Beig (Minorities.)

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THE MYSORE REPRESENTATIVE ASSEMBLY.

Budget Session -1939.

Legis 37-38-1,25

Resolution No: 15

Whereas according to Shariat Law, a Muslim woman has right to demand divorce from her husband for good and valid reasons, and whereas this valuable right is not recognised in the law courts; and whereas this defect has been cured by recent legislation in the Central Legislative Assembly in the shape of the Dissolution of Muslim Marriages Act, 1939, and has been placed on the Statute Book, this Assembly recommends to the Government of His Highness the Maharaja that a Bill on similar lines may kindly be introduced in the legislature and passed at an early date so that the rights of Muslim women in Mysore may be brought on a par with those of their sisters in British India.

Mover: Mr. M. Abdul Jabbar (Minorities).

THE MYSORE REPRESENTATIVE ASSEMBLY.

Budget Session -1939.

Resolution No:

Whereas according to Shariat Law, a Muslim woman has right to demand divorce from her husband for good and valid reasons, and whereas this valuable right is not recognised in the law courts; and whereas this defect has been cured by recent legislation in the Central Legislative Assembly in the shape of the Dissolution of Muslim Marriages Act, 1939, and has been placed on the Statute Book, this Assembly recommends to the Government of His Highness the Maharaja that a Bill on similar lines may kindly be introduced in the legislature and passed at an early date so that the rights of Muslim women in Mysore may be brought on a par with those of their sisters in British India.

Mover: Mr. M. Abdul Jabbar (Minorities).